

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROBERT L. GARBER, on behalf of :  
himself and all others similarly situated, :  
 :  
Plaintiff, :  
 :  
vs. : **Civil Action no. 1:07-cv-11422-UA**  
 :  
WASHINGTON MUTUAL, INC., *et al.*, :  
 :  
Defendants. :  
-----X  
JOEL ABRAMS, *et al.*, on behalf of :  
themselves and all others similarly situated, :  
 :  
Plaintiffs, :  
 :  
vs. :  
 :  
WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09806-AKH**  
 :  
Defendants. :  
-----X  
 :  
 :  
DENNIS KOESTERER, on behalf of :  
himself and all others similarly situated, :  
 :  
Plaintiff, :  
 :  
vs. :  
 :  
WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09801-CM**  
 :  
Defendants. :  
-----X

**NOTICE OF MOTION**

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to § 21D(a)(3)(B) of the Securities Exchange Act of 1934, upon the accompanying (1) Declaration of Peter D. St. Phillip, Jr. and the exhibits thereto, (2) Declaration of Keith M. Snow; and (3) the Memorandum of Law in Support of the New York City Funds' Motion For Consolidation, For Appointment as Lead Plaintiff, and Approval of Lead Plaintiff's Selection of Lead Counsel in the captioned actions, the NYC Police and Fire Pension Funds will move before the Honorable Alvin K Hellerstein, Courtroom 14D, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 1050, New York, New York 10007 on such date as the Court may direct, for an Order in the form submitted herewith appointing the New York City Funds as Lead Plaintiff and approving its choice of counsel, Lowey Dannenberg Cohen, P.C., as Lead Counsel for the plaintiffs and the putative

class.

Date: January 4, 2008

LOWEY DANNENBERG COHEN, P.C.

By: /s/ Peter D. St. Phillip, Jr.

Stephen Lowey (SL-7677)

Richard W. Cohen (RC-5220)

David C. Harrison (DH-3834)

Peter D. St. Phillip, Jr. (PS-0726)

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*Counsel for the NYC Police and Fire Pension  
Funds and [Proposed] Lead Counsel for Plaintiff  
Class*